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How it was betrayed
How it can be saved

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by ROB FOWLER HALL

ABOUT THE AUTHOR

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COMMUNIST PARTY OF EASTERN PENNSYLVANIA
Washington, Jan. 29, 1950

EIGHTEEN months have passed since the Republican and Democratic party conventions went on record pledging their support to fair employment practice legislation. At this writing the legislation, known as F.E.P.C., has not been adopted. It has not been adopted because no bill embodying its guarantees has been permitted to come before either the Senate or the House.

For that is the peculiar character of F.E.P.C.'s problem. If it could be brought to a vote, there is a strong possibility that it would pass. Not only are the two major parties at least formally pledged to its enactment, but a majority of both houses of Congress are committed to vote aye in its favor. Only Southern Democrats and a few Republicans, scarcely more than 150 out of 435 members of the House, and hardly more than 30 out of 96 members of the Senate, frankly oppose the measure.

Yet its passage by the 81st Congress is not by any means assured.

It can be blocked during the remaining months of the 81st Congress as it has been in the past—by deals between the Truman Administration and the Dixiecrats, by deals between the Republicans and the Dixiecrats. It can be prevented from coming to a vote through the sort of trickery which Democratic and Republican leaders have used in the past—to the shame of the nation!

Standing in the well of the House Chamber last Monday, Rep. Vito Marcantonio (A.L.P.-N.Y.) summed up the situation with his usual incisiveness.

"It is obvious to everyone, due to the events of today, that everybody wants civil rights as an issue but not as a law, and that goes for Harry Truman, the Democratic Party and the Republican Party."

The most conservative journals of opinion admitted that the New York Laborite had conveyed a true picture. Arthur Krock of the *New York Times* said that "informed observers" agreed with him. The *Baltimore Sun* said: "We take special pleasure in saluting him for his candid summation of the situation on F.E.P.C. legislation."

"The Fair Employment Practices Commission bill apparently makes a better issue than it would make a law," wrote Gould Lincoln in the *Washington Evening Star*, "judging from the antics of the Trumancrats . . . on Capitol Hill."

What all of this means is that the leaders of the Democratic and Republican parties, facing Congressional elections next fall, do not intend to adopt an F.E.P.C. law. But they intend to appear before the voters prior to those elections and argue that only their party sincerely fought for F.E.P.C. while leaders of the other party prevented a vote on this crucial measure.

If they succeed in this tactic, they would hold off F.E.P.C. for the next two years in preparation for the 1952 Presidential elections, and again after that, on and on, ad infinitum, with the result that we would never have an F.E.P.C.

It would appear from the foregoing that the outlook for F.E.P.C. is exceedingly gloomy, especially during the present 81st Congress. But that is not the impression I wish to give. On the contrary, my thesis is that F.E.P.C. can be passed at this session if it is brought to a vote, and that it can be brought to a vote if the people understand what is really happening, are aroused and *act* to see that it *is* passed.

So long as the Republicans can blame the Democrats and get away with it, and the Democrats can blame the Republicans and get away with it, and President Truman can blame Congress, and get away with it, nothing good is going to happen. So long as the people put complete reliance in Truman, or in the Democratic leaders or in the Republican leaders, just so long will these politicians use one trick after another to keep F.E.P.C. pigeonholed. But when labor and the people get wise, and make the politicians aware of that situation, F.E.P.C. will be brought to the floor where it can be voted up with little delay.

WHY AN F.E.P.C. LAW?

The movement for a Federal F.E.P.C. law arose as an effort to cope with the widespread, rank discrimination practiced in our country in the hiring and upgrading of workers belonging to minority groups. The worst sufferers are the 15 million Negroes, who are, as the old phrase has it, the last to be hired and the first to be fired. But it is not only in the getting and the holding of a job that the Negro people are subjected to injustices. They are relegated to the more menial jobs and are systematically barred not only from professional posts, but from white collar positions

and even any kind of skilled job in industry and transportation.

As a result, the median annual wage of white workers in 1947 (U.S. Census figures) was \$1,980 while the median annual wage of non-white workers was only \$863. The median annual income of families in 1947 was \$3,157 for whites, and \$1,614 for non-whites.

Besides the Negro people, some 5,000,000 Jews encounter discrimination in jobs and professional appointments. For 3,000,000 Americans of Mexican or Spanish origin, the problem is equally serious. And so it is for 11 million foreign born and, in some areas, for Catholics and the children of foreign born.

President Franklin Delano Roosevelt believed that the "right" of employers to discriminate against Negroes, Jews, Mexican-Americans and others was a "luxury" which a democratic nation at war could not afford. He issued Executive Order No. 9346 prohibiting job discrimination in war industries or in government and established the Fair Employment Practice Commission to enforce it.

In 1946 Congress declined to appropriate funds for the continuation of the Commission, and President Truman permitted it to die. But one of the last observations of the expiring Commission was that all the headway made during the war was being lost and that a Federal F.E.P.C. law was needed.

THE POWELL BILL

The Powell Bill, known as H.R. 4453, and sponsored by Rep. Adam Clayton Powell (D.-N.Y.), was drafted to meet this need. It is the fruit of some four years of hearings in the House and Senate and incorporates what Powell believes are the best provisions from various bills introduced during that time, as well as the best features in state anti-discrimination laws.

"The Congress . . . declares that the right to employment without discrimination because of race, color, religion or national origin is a right of all persons within the jurisdiction of the United States," says the Powell bill, "and that it is the national policy to protect the right of the individual to be free from such discrimination."

The bill prohibits certain "unlawful employment practices. An

MONTHS IN A PIGEONHOLE

employer may not refuse to hire, discharge, or practice discrimination against, an individual because of his race, religion, color, national origin or ancestry. An employer also is prohibited from using a recruitment service or employment agency which practices discrimination. A labor organization may not deny any of the advantages of trade union organization or collective bargaining to any individual because of his race, religion or color. Further, an employer may not discharge or demote a person who has participated in any action to enforce fair employment practices in his place of employment."

The bill provides for a Commission of five which shall have the power to investigate, hold hearings and issue orders directing an employer or a trade union to cease and desist from discriminatory practices. While the bill provides in many ways for conciliation and mediation, the Commission may, if all other methods fail, go to a Federal court and secure an injunction or restraining order. Continued violation of the law then becomes contempt of court and is punishable by fine or imprisonment.

Any person who feels he has suffered job discrimination may file a written complaint which would serve as the basis of the Commission's action. Any employer who feels the Commission's decision is unfair may appeal to a Federal court for review.

The Commission may delegate to a state or local government jurisdiction over any case of job discrimination if the state or municipal laws against discrimination are consistent with the Federal law.

The bill also provides that the President may take whatever steps are necessary to guarantee that government agencies and persons or corporations operating on government contracts do not engage in job discrimination.

The Powell bill is not perfect. It might be criticized for exempting state, city and county governments, as well as employers with less than 50 employees. However, it does contain "teeth," or genuine measures for enforcement. If adopted it would be a historic milestone in the continuing struggle for equality of economic opportunity in our fair land, regardless of what efforts may be made later by reactionary employers to violate and sabotage this law.

Despite the pledges of leaders of both major parties, however, there was no rush to enact the bill. Hearings were held by the Powell subcommittee in May, 1949. But it was not until August 2 that the bill was reported out by the full House Labor Committee. A similar bill introduced in the Senate by Sen. J. Howard McGrath (D.-R.I., now U.S. Attorney General) did not clear the Senate committee until October 17. Congress adjourned two days later without considering F.E.P.C.

Ever since May, Senate Majority Leader Scott Lucas (D.-Ill.) had been insisting there "wouldn't be time" for civil rights legislation in the upper chamber. Which was nonsense, but at least the Senate appeared to be busy. The House, on the other hand, had not even the shadow of an excuse for its failure to take up F.E.P.C. On August 25, the House voted itself a 26-day recess because it had "nothing to do." Returning to Washington September 21, the Democrats still made no move to deal with the Powell bill.

A roar of resentment went up among the Negro people, and among the millions of non-Negroes who recognized that F.E.P.C. legislation was the need of the entire nation. The National Association for the Advancement of Colored People, under pressure of its aroused membership launched a nationwide mobilization beginning November 15 to culminate in a civil rights conference in Washington on January 15.

"Unless some Congressmen and Senators work and vote for this legislation in January," the N.A.A.C.P. said, "they may never get a chance to work on any legislation in the 82nd Congress. They can call this a threat or anything they choose. Negroes have been patient, but they are through with empty promises, broken pledges and slick tricks. We want F.E.P.C. or else we will cut short some political careers."

Despite efforts, particularly of certain C.I.O. leaders, to narrow down the movement and to split the mobilization by Red-baiting its militant elements, it achieved immense strength and support.

When the second session of the 81st Congress convened January 3, the problem before the sincere friends of F.E.P.C. was the familiar one—how to bring the Powell bill to the floor.

House rules provide four methods to bring a bill to the floor.

The first and usual method is for the Rules Committee to "grant the bill a rule," which is another way of saying: to schedule the bill for debate and vote on the House floor.

The second method is to use "Discharge Mondays." This method, provided for in the 21-day rule voted by the House a year ago, makes it possible for the House to act on a bill which the Rules committee has bottled up for 21 days or more. The chairman of the legislative committee which sponsored the bill can take the floor on the second or fourth Monday of each month and call up the bill directly, provided he is "recognized" by the House Speaker.

The third method is the "discharge petition." A bill may be brought to the floor if 218 members sign a petition.

The fourth method is "Calendar Wednesday." Each Wednesday according to the rules, the clerk must call the roll of committee chairmen. When his name is called, the committee chairman may call up any bill previously approved by his committee.

When the leadership of the House, backed by a small but vigorous minority, opposes a measure, it is extremely difficult to succeed by any of these methods. Sincere friends of F.E.P.C., led in the main by Powell and Marcantonio, prepared to try all four.

THE RULES COMMITTEE

Through Chairman John Lesinski (D.-Mich.) of the House Labor Committee, they succeeded in bringing the Powell bill before the Rules Committee. But here the coalition of Republicans and Southern Democrats, with a majority of eight of the 12 members of that committee, took over. On January 17, while 4,000 delegates to the National Emergency Civil Rights Mobilization were lobbying for passage of F.E.P.C., the Rules Committee refused to take action on F.E.P.C. Its chairman, Rep. Adolph Sabath (D.-Ill.), faced by the obstructive tactics of the coalition, adjourned the meeting and rushed angrily from the committee room. But the coalition stayed on and by a 7 to 2 vote authorized its leader, Rep. Gene Cox (D.-Ga.), to call up his resolution to repeal the 21-day rule.

This was a serious blow to F.E.P.C. Not only did it for the moment block House consideration of the Powell bill through the

Rules Committee route—it threatened to close up another avenue, that of "Discharge Mondays."

There was an immediate and effective drive by progressive and liberal organizations, especially the organizations of the Negro people, to save the 21-day rule. Although both Speaker of the House Sam Rayburn (D.-Tex.) and Minority Leader Joe Martin (R.-Mass.) denied that this issue in any way involved F.E.P.C., everyone knew that it did. Marcantonio put it bluntly: "A vote for the Cox resolution repealing the 21-day rule is a vote against F.E.P.C."

Reflecting the strength of the organized Negro and progressive groups, and particularly the great breadth of the civil rights mobilization, only 85 Southern Democrats and 98 Republicans, making a total of 183, voted for the Cox resolution. On the other hand 64 Republicans from urban districts joined with 171 Democrats and with Marcantonio to defeat Cox's trick.

This vote took place on Friday, January 20. It left the way clear for "Discharge Monday" on January 23 when the Truman Administration and the G.O.P. leadership would have the opportunity to call up the Powell bill and promptly pass it, thus fulfilling their solemn campaign pledges.

It is now history that the Truman Administration did not take advantage of that opportunity. On the contrary, Truman's chief leader in the House, Speaker Rayburn, and his second-in-command, Majority leader John McCormack (D.-Mass.) prevented the Powell bill from coming to a vote.

This is the way it was done.

SHAMEFUL MONDAY

Although Rep. Lesinski had announced that he would take the floor on January 23 and seek recognition so that he might call up the Powell bill, Rayburn let it be known that he would not recognize Lesinski.

"I don't think there is the right atmosphere in the House for F.E.P.C. after that rules fight on Friday," Rayburn lamely explained to us reporters shortly before the House convened on Monday.

Nevertheless when the House got down to business that day,

Lesinski was on his feet, shouting for recognition. Also demanding recognition was Chairman J. Hardin Peterson (D.-Fla.) of the Public Lands Committee.

"Mr. Speaker! Mr. Speaker!" the two, standing shoulder to shoulder, shouted in unison.

Ignoring Lesinski (and simultaneously ignoring the pledges of his party to the Negro people), Speaker Rayburn looked down augustly from his marble throne and said:

"The chair recognizes the gentleman from Florida."

Peterson called up his committee's bill to grant statehood to Alaska (population 115,000 as compared with a Negro population of 15,000,000 affected by the Powell bill).

Debate on the Peterson bill droned on without spirit, interrupted and prolonged by repeated demands by the Dixiecrats for time-consuming quorum calls and record votes on routine questions. At one point Rep. John Rankin (D.-Miss.) made a "point of order" that the two clocks in the chamber did not coincide. Rayburn could have denied these quorum calls as "dilatatory"—that is, designed only to waste time—but he cooperated with the Dixiecrats in bogging down the House procedures.

About 4:30 the House concluded debate on the Alaskan bill and voted to make it "the unfinished business of the House."

Again Lesinski took the floor. But so did Peterson.

Through a quirk of his optic nerve, Rayburn could discern Peterson very clearly, although he was strangely blind to the equally bulky and equally noticeable Lesinski. Rayburn recognized Peterson who called up his bill to grant statehood to Hawaii.

It was during debate on the Hawaiian bill that Majority Leader McCormack revealed that at the conclusion of this item he would move to adjourn. There followed this colloquy:

"Mr. Colmer (D.-Miss.): If I understand the distinguished majority leader correctly he will move that the House adjourn when this rule is disposed of.

"Mr. Marcantonio: I will be very brief. I simply want to say this: The duty of every friend of F.E.P.C. is to vote down the majority leader's motion to adjourn.

"Mr. McCormack: The gentleman from New York is not putting me on the spot to call up anything after 5 o'clock? The gentleman himself knows what the situation is.

"Mr. Marcantonio: That is because I know the situation!

"Mr. Peterson: Mr. Speaker, I decline to yield further.

"Mr. Marcantonio: We ought to stay here until F.E.P.C. is voted out tonight."

Assured of McCormack's support, the Dixiecrats promptly ceased their filibustering tactics and the Hawaiian bill was soon disposed of.

By 5 o'clock, therefore, the decks were cleared and there was no business before the House.

With Marcantonio and Powell at his either elbow, Lesinski was again on his feet. "Mr. Speaker," he shouted waving a sheaf of papers in his hand.

Speaker Rayburn again scanned the scene from his marble dais. He looked at Lesinski with unseeing eyes. Then raising his gaze just over that gentleman's left shoulder, he espied the majority leader standing four rows back.

"Mr. Speaker," said McCormack, "I move that the House do now adjourn."

Marcantonio demanded a record vote, which Rayburn refused. Rep. Earl Wilson (R.-Ind.) called Rayburn's attention to the fact that many members having learned that a vote was to be taken were now re-entering the chamber. He added his voice to the plea of Marcantonio. Rayburn rapped his gavel and again refused. By a teller vote, the motion to adjourn carried 167 to 109 but it was thus impossible to say who cast their votes for or against F.E.P.C. in that ballot.

This was an exciting round in the battle for F.E.P.C. and when the gong sounded, it had clearly been won by the Dixiecrats—*with the aid of the Truman Administration forces in the House.*

TRUMAN'S PART

Some persons, while condemning Rayburn and McCormack for this obvious sellout, absolve President Truman of any blame. But this conclusion doesn't make sense, despite the President's assurances to a Mobilization delegation on January 17 that he was heart and soul for speedy enactment of F.E.P.C.

On Monday morning, January 23, a couple of hours before Rayburn gagged Lesinski on the floor, newspapers here were

headlining a report that Truman was in conference with Rayburn and McCormack, putting the pressure on them to pass the Powell bill. I rushed to the White House, hoping this was true.

I stood in the lobby with other newspaper reporters when Rayburn and McCormack issued from the President's office. Immediately the pair were bombarded with question. "What about F.E.P.C.?" we asked.

Rayburn was climbing into his topcoat. "The President did not order me what to do," he observed coolly, "as some folks were saying he would. What we are going to do in the House today was not discussed."

Truman's failure to demand of Rayburn action to fulfill his party's campaign pledges was, in my opinion, as shameful as Rayburn's failure to carry out those pledges on the floor later.

This betrayal only points up the fact that civil rights, like many other things the people need and want, are being sacrificed to Truman's own war program. For it is the drive toward war which makes Truman placate the Dixiecrats and work with the G.O.P. in the interests of support for the present bi-partisan war program.

THE GRAND OLD PARTY

Lest any one should think, however, that the Republican party is blameless in the betrayal of F.E.P.C., let us turn again to the Rules Committee.

This committee met on Tuesday, following F.E.P.C.'s setback of Monday. F.E.P.C. was on the agenda. Here is the way the vote went:

For F.E.P.C.—5

Sabath (D.-Ill.)
Madden (D.-Ind.)
McSweeney (D.-Ind.)
Delaney (D.-N.Y.)
Herter (R.-Mass.)

Absent: Allen (R.-Ill.), Wadsworth (R.-N.Y.)

Against F.E.P.C.—5

Cox (D.-Ga.)
Smith (D.-Va.)
Colmer (D.-Miss.)
Lyle (D.-Tex.)
Brown (R.-O.)

As can be seen, the Rules Committee consists of four Truman Democrats, four Dixiecrats and four Republicans. The G.O.P.

could fulfill its campaign promises any time it wished by having three of its four Republican members vote with the Truman Democrats. It has never chosen to do that.

On this day, Rep. Clarence Brown, who claims he is for F.E.P.C., voted against the measure for the purpose, as he admitted, of tying it up through a tie vote, giving as his excuse the absence of his two colleagues.

But on Thursday, January 26, F.E.P.C. was again on the committee's agenda and Allen was present, although Wadsworth was still absent.

"If you insist on taking a vote," Brown told Sabbath, as he later admitted to us newsmen, "I will vote against F.E.P.C." With Allen, an opponent of F.E.P.C. and Brown both voting no, F.E.P.C. would have lost six to five.

"Why didn't you vote 'yes' and force the bill to the floor?" a reporter asked Brown.

"Oh, no!" roared Brown, "and take Rayburn off the hook? Never. I'm not playing that game."

Which showed that the Republican leadership is equally guilty with the Democrats in playing partisan politics with F.E.P.C.

ENTER F.D.R., JR.

This selfish partisanship has also complicated, and perhaps destroyed, chances of bringing F.E.P.C. to the floor through the third method, the discharge petition.

On Monday, January 16, Rep. Powell told a mass meeting of 4,000 civil rights marchers that if the "Discharge Monday" method failed he would immediately introduce a petition to bring the bill to the floor.

But on Monday, January 23, even before the issue of the 21-day rule had been resolved, young Franklin Roosevelt, Jr., had introduced his own discharge petition.

This was, as almost all agreed, a breach of House traditions—a violation of "the minimum standards of common courtesy," as Powell called it—in that young F.D.R. Jr., had taken this action without consulting with Powell, author of the bill, or with Lesinski. Secondly, it was disruptive in that young Roosevelt, prominently mentioned as the Democratic candidate for governor of New York, appeared to be using F.E.P.C. as a political football.

Some Democrats declined to sign his petition on the first ground. Almost all Republicans declined to sign it on the second.

There was, however, a third and equally base motive animating young Roosevelt, as revealed by his backer, the *New York Post*.

"Roosevelt's quick action," said the *Post*, "forestalled a similar step by either Rep. Powell or Rep. Marcantonio. . . . Non-communist supporters of civil rights were quick to back Roosevelt's action."

This is of course untrue. It did not forestall Powell because he introduced his own resolution at the request of Republicans and some Democrats. And Powell's action is apparently backed by as many "non-Communist supporters of civil rights" as is that of young Roosevelt.

The injection of the "Communist" issue by the *Post*, which is to say by the Liberal Party, is significant, however. The *Post*, the Liberal Party and young Roosevelt use the term "Communist" when they mean the Progressive Party of Henry Wallace or its New York affiliate, the American Labor Party.

The Progressive Party and the A.L.P., backed to the hilt by the Communists, have fought vigorously and consistently for F.E.P.C. and other civil rights legislation. No one has fought more effectively than the A.L.P. leader, Vito Marcantonio, and Powell, a Democrat, has frequently received A.L.P. backing because of his sincere support for F.E.P.C. and similar measures.

Young Roosevelt's motive, therefore, emerges indecently clear as designed to steal for the Liberal Party and the Truman Democrats credit for the work done by Powell and Marcantonio. But in this case, as always when Red-baiting is injected, the people are the victims. Roosevelt's quick, slick trick will probably fail to garner him a single vote in the gubernatorial race, but it has already seriously damaged F.E.P.C.'s chances.

I do not have the space to deal in detail with the F.E.P.C. situation in the Senate. Some believe that the tactics of the administration's leader, Sen. Lucas, will be to bring it up before House passage, permit it to be filibustered and then claim there is no hope for the bill until next term.

Tentatively, Lucas has slated Senate consideration of F.E.P.C. about March 1. But Lucas and other Administration leaders have been openly pessimistic as to its chances.

Sen. Paul Douglas (D.-Ill.) told an Illinois delegation of civil rights marchers on January 16 that it would be "virtually impossible" to end a filibuster on the Powell-McGrath bill. Lucas, who stood at his shoulder, assented.

The role of leadership is to instill courage and inspiration into its army. But the defeatism of Lucas and his aides, which does the contrary, is one of the most serious obstacles which must be overcome if F.E.P.C. is to be enacted. I am reminded of a verse from the Scriptures: "If the trumpet sound an uncertain note, who will prepare himself for battle?" The Lucas trumpet sounds like the tolling of the knell.

Lucas sought to justify his position with a remark to delegates that "You have got to remember that civil rights will be a tremendous issue in the campaign."

Which brings us back to our starting point, that all of the maneuvers, all of the betrayals, all of the slick tricks, are designed to prevent F.E.P.C. from becoming a law, not only so that it may be retained as an election campaign issue, but because it interferes with the Truman-Wall Street war plans. Republicans, Democrats and President Truman are at one on this aim.

It is a vicious circle but it can be broken, provided the people realize the true situation. If they will cease believing the alibis of Truman or the Democrats or the Republicans and speak up loudly, saying, "Cut out the alibis and give us F.E.P.C.," the Powell bill will be passed. The entire purpose of this pamphlet is to convince the reader of this simple point.

WHAT YOU CAN DO

Individuals and organizations should wire or write President Truman and William Boyle, Democratic National Chairman, Washington, D.C., saying that excuses will not be accepted; that the people want F.E.P.C. now.

A similar message should be sent to the Republican National Committee, as well as to your own Senators and Representatives.